

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**Case No.: 1:19-CR-00018-ABJ**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROGER J. STONE, JR.,

Defendant.

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**ORDER**

Before the Court is Roger J. Stone's Motion to Dismiss [Dkt #69]. The Court having considered the Defendant's motion and otherwise being fully advised, finds as follows:

1. Separation of Powers prevents the Special Counsel from indicting Mr. Stone for allegedly making materially false statements to the Legislative Branch, absent a Congressional referral;
2. The Special Counsel's Office actions *vis a vis* Roger Stone impermissibly violate the Appropriations Clause of the Constitution;
3. The Special Counsel Appointment violates the Vesting Clause of the Constitution;
4. The Special Counsel Appointment impermissibly encroaches upon the Executive Power in violation of the Take Care Clause of the Constitution;
5. The Special Counsel Appointment violates the Appointments Clause of the Constitution;
6. The Special Counsel Appointment is invalid because it was not commissioned by the President of the United States.

Therefore, it is ORDERED AND ADJUGED that the Indictment against the Defendant is Dismissed.

DONE AND ORDERED in Washington, DC, this \_\_\_\_ day of \_\_\_\_, 2019.

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AMY BERMAN JACKSON  
United States District Judge

DATE:

cc: all counsel of record